

RECEIVED

JUL 09 2004

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

**MICHAEL W. DOBINS
CLERK, U.S. DISTRICT COURT**

CLARK, ARMOND

DOCKETED

JUL 12 2004

(Enter above the full name
of the plaintiff or plaintiffs in
this action)

04C 4553

vs.

Case No: _____

Chicago Police Department
Officers Burwell#6814, Parks#8930

(To be supplied by the Clerk of this Court)

Lewis#13629, Oglesby#10260;
Booker#4096, Epich#5790, SGT.

J. Sandier# 1331, Det. Winstead,
and Det. G. Habiak

States Attorney of Cook County
Ass. Attorneys, Lifvendahl,

Ass. Palermo, Ass. Wood
Public Defender Office of Cook

Steven Powell, Private Attorney
Rick Bueke

(Enter above the full name of ALL
defendants in this action. Do not
use "et al.")

JUDGE ANDERSEN

MAGISTRATE JUDGE ASHMAN

CHECK ONE ONLY:

☒

**COMPLAINT UNDER THE CIVIL RIGHTS ACT, TITLE 42 SECTION 1983
U.S. Code (state, county, or municipal defendants)**

☐

**COMPLAINT UNDER THE CONSTITUTION ("BIVENS" ACTION), TITLE
28 SECTION 1331(a) U.S. Code (federal defendants)**

☐

OTHER (cite statute, if known)

**BEFORE FILLING OUT THIS COMPLAINT, PLEASE REFER TO "INSTRUCTIONS FOR
FILING." FOLLOW THESE INSTRUCTIONS CAREFULLY.**

1-1

D. DEFENDANT: OGLESBY (# 10260)

TITLE: POLICE OFFICER

PLACE OF EMPLOYMENT: 7TH DISTRICT CHICAGO POLICE STATION

E. DEFENDANT: BOOKER (# 4096)

TITLE: POLICE OFFICER

PLACE OF EMPLOYMENT: 7th DISTRICT CHICAGO POLICE STATION

F. DEFENDANT: EPICH (# 5790)

TITLE: POLICE OFFICER

PLACE OF EMPLOYMENT: 7th DISTRICT CHICAGO POLICE STATION

G. DEFENDANT: SGT. J. SANDIER (# 1331)

TITLE: SGT. POLICE OFFICER

PLACE OF EMPLOYMENT: 7TH DISTRICT CHICAGO POLICE STATION

H. DEFENDANT: WINSTEAD (# 20119)

TITLE: DET. OF THE CHICAGO POLICE DEPARTMENT

PLACE OF EMPLOYMENT: 7TH CHICAGO POLICE DEPARTMENT

I. DEFENDANT: G. HABIAK (# 20221)

TITLE: DET. OF POLICE

PLACE OF EMPLOYMENT: CHICAGO POLICE DEPARTMENT

J. DEFENDANT: LIFVENDAUL

TITLE: ASS. ATTORNEY STATE OF ILLINOIS

PLACE OF EMPLOYMENT: 51 STREET POLICE STATION / COURT BUILDING

K. DEFENDANT: CLARISSA PALERMO

TITLE: ASS. ATTORNEY STATE OF ILLINOIS

PLACE OF EMPLOYMENT: COOK COUNTY COURT BUILDING

L. DEFENDANT: MS. WOODS

TITLE: ASS. ATTORNEY STATE OF ILLINOIS

PLACE OF EMPLOYMENT: COOK COUNTY COURT BUILDING

M. DEFENDANT: STEVEN POWELL

TITLE: PUBLIC DEFENDER ASS.

PLACE OF EMPLOYMENT: COOK COUNTY COURT BUILDING

N. DEFENDANT: RICK BEUKE

TITLE: PRIVATE ATTORNEY

PLACE OF EMPLOYMENT: 53 WEST JACKSON, SUITE 1410 CHICAGO, IL

I. Plaintiff(s):

- A. Name: CLARK ARMOND
- B. List all aliases: N/A
- C. Prisoner identification number: A91262
- D. Place of present confinement: ILLINOIS RIVER C.C.
- E. Address: P.O. BOX 1900, CANTON, ILL 61520

(If there is more than one plaintiff, then each plaintiff must list his or her name, aliases, I.D. number, and current address according to the above format on a separate sheet of paper.)

II. Defendant(s):

(In A below, place the full name of the first defendant in the first blank, his or her official position in the second blank, and his or her place of employment in the third blank. Space for two additional defendants is provided in B and C.)

- A. Defendant: Peter BURWELL (Badge #6814)
 Title: POLICE OFFICER
 Place of Employment: 7th District Chicago Police Station
- B. Defendant: C. PARKS (Badge #8930)
 Title: POLICE OFFICER
 Place of Employment: 7th District Chicago Police Station
- C. Defendant: Lewis (Badge #13629)
 Title: POLICE OFFICER
 Place of Employment: 7th District Chicago Police Station

(If you have more than three defendants, then all additional defendants must be listed according to the above format on a separate sheet of paper.)

COUNT (1) FALSE, ARREST
MALICIOUS PROSECUTION

1. DEFENDANTS CHICAGO POLICE AND STATES ATTORNEY'S ACTIONS AS DESCRIBED IN COUNT 1 AND REALLEGED AS IF FULLY SET FORTH HEREIN, COUNSTITUTES THE TORTS OF OFFICAL MISCONDUCT FALSE ARREST UNLAWFUL ARREST SEARCH AND UNREASONABLE SEIZURE, MALICIOUS PROSECUTION; UNDER THE LAWS OF THE STATE OF ILLINOIS

COUNT (2)
OBSTRUCTION OF JUSTICE

2. DEFENDANTS CHICAGO POLICE / STATES ATTORNEY'S AND THE PUBLIC DEFENDER OF COOK COUNTY ACTIONS AS DESCRIBED IN COUNT 1 AND 2 AND REALLEGED AS IF FULLY SET FORTH HEREIN, CONSTITUTES THE TORTS OF CONSPIRACY AND OBSTRUCTION OF JUSTICE UNDER THE LAWS OF THE STATE OF ILLINOIS;

COUNT (3)
OFFICAL MISCONDUCT

3. DEFENDANTS CHICAGO POLICE / STATES ATTORNEY'S AND THE PUBLIC DEFENDER OF COOK COUNTY AND RICHARD BEUKE PRIVATE ATTORNEY ACTIONS IN THE COMPLAINT DESCRIBED IN COUNT 1,2,3 AND REALLEGED AS IF FULLY SET FORTH HEREIN CONSTITUTES THE TORTS OF FALSE ARREST, MALICIOUS PROSECUTION, CONSPIRACY, OBSTRUCTION OF JUSTICE, OFFICIAL MISCONDUCT, UNDER THE LAWS OF THE STATE OF ILLINOIS.

V. Statement of Claim:

State here as briefly as possible the facts of your case. Describe precisely how each defendant is involved. Include also the names of other persons involved, dates, and places. Do not give any legal arguments or cite any cases or statutes. If you intend to allege a number of related claims, number and set forth each claim in a separate paragraph. (Use as much space as you need. Attach extra sheets if necessary.)

This is a Civil Rights action filed pro - se, by Clark K. Armond
an Illinois State prisoner, for Punitive & Monetary Damages; under
42 U.S.C. § 1983, alleging that police officers, Assistant State's
Attorney, and his court appointed Public Defender, and Rick Beuke,
Private Attorney all participated in a Conspiracy to conduct UNLAWFUL
ARREST and SEARCH and UNREASONABLE SEIZURE, all being in violation
of the Forth and Fourteenth AMENDMENTS of the United States Constitution
The Plaintiff also alleges the Tort of OFFICIAL MISCONDUCT and
OBSTRUCTION OF JUSTICE, and in connection with Plaintiff's Conspiracy
Federal Constitutional claims.

JURISDICTION

1.) The Court has jurisdiction over the Plaintiff's claims of
violation of the Federal Constitutional Rights under, 42 U.S.C. §§
1331 (a) and 1343.

2.) The Court has supplemental jurisdiction over the Plaintiff's
related State law tort claims under 28 U.S.C. § 1367.

VENUE

3.) Venue is proper in this Court under 28 U.S.C. § 1391 (b)
BECAUSE the events giving rise to the plaintiff's claims occurred in
the Northern eastern District, under the color of State law.

COURT 1

FALSE ARREST / MALICIOUS PROSECUTION

1. ON OR DECEMBER 09, 1996 DEFENDANTS OF THE CHICAGO POLICE, AND STATES ATTORNEY OF COOK COUNTY....EACH KNOWINGLY, CONSCIOUSLY DELIBERATELY, AND VOLUNTARILY PARTICIPATED IN A PLAN COMMON AND CONCOCTED SCHEME BY HAVING A MEETING OF THE MINDS AND MUTUAL AGGREEMENT TO INTENTIONALLY CONSPIRED TO VIOLATE PLAINTIFF'S CIVIL RIGHTS;
2. UNLAWFUL ARREST SEARCH AND UNREASONABLE SEIZURE OF PLAINTIFF WITHOUT AN ARREST OR SEARCH WARRANTS OR PROBABLE CAUSE; AND IN ADDITION TO DEFENDANTS CONSPIRATORIAL EFFORTS AND ACTIONS, THEY UNLAWFULLY SEARCHED AND TRASH PLAINTIFF'S HOME AND ILLEGALLY SEIZED EVIDENCES AGAINST HIM. AND FUTHER MORE USED THAT EVIDENCE, BY DELIBERATELY SUBJECTING PLAINTIFF TO A PHOTOGRAPHING LINE UP, AGAINST HIS WILL AND TO WILLING AND KNOWINGLY USED THIS ILLEGAL OBTAINED AND TAINTED EVIDENCE AGAINST THE PLAINTIFF IN A CRIMINAL TRAIL.

SEE EXHIBIT B-1

3. ON DECEMBER 07, 1996 AT APPROXIMATELY 12:30 P.M. DEFENDANTS, BURWELL, PARKS, LEWIS, OGLESBY kick in the plaintiff's door

SEE EXHIBIT D-10
ARRESTING OFFICERS

BOOKER, EPICH, BRANNISH THEIR GUNS, AND STATED, IN A OVERLY AGGRESSIVE AND EXCEPTIONALLY HOSTILE MANNER, QOUTE,

" LAY THE FUCK DOWN ON THE FLOOR"

PLAINTIFF AND MITCHELL JAMES WERE TERRIFIED, BUT NEVER THE LESS, COMPLIED WITH DEFENDANTS ORDER, HOWEVER PLAINTIFF NERVOUSLY ASKED DEFENDANTS BURWELL AND CO-DEDENDANTS DO YOU'LL HAVE AN ARREST OR SEARCH WARRANT ? AND WHY ARE YOU'LL DOING THIS ? IMMEDIATELY DEFENDANTS RESPONDED " YEAH, YEAH," YOU REFERRING TO PLAINTIFF, YOUR PIECE OF SHIT ASS IS UNDER ARREST FOR AGGRAVATED BATTERY:

SEE EXHIBIT D-9

4. THEN DEFENDANT BURWELL JUMPED DOWN KNEE FIRST INTO THE BACK OF PLAINTIFF AND PROCEEDED TO HANDCUFF PLAINTIFF; BURWELL AND CO-DEFENDANTS STARTED TRASHING AND SEARCHING PLAINTIFF HOME; AGAIN PLAINTIFF CRY TO SEE A ARREST WARRANT, OFFICER BURWELL PULLED PLAINTIFF UP BY HIS HANDCUFF AND TOLD PLAINTIFF THIS YOUR WARRANT SHOWING PLAINTIFF HIS GUN:

SEE EXHIBITS D-13-14

NO WARRANT STATED BY OFFICER BURWELL.

5. AFTER TRASHING PLAINTIFFS HOME HE WAS TRANSPORTED IN HAND CUFFS TO THE 7TH DISTRICT CHICAGO POLICE STATION, WHICH HE WAS UNLAWFULLY DETAINED; AND TO UNDERGO ILLEGAL INTERROGATIONS PERTAINING TO THEIR BURWELL / PARKS "FALSE", FABRICATED CHARGE OF A AGGRAVATED BATTERY UPON A "UNKNOWN-PERSON" WHO THEY ALLEGED MADE THIS 911 CALL THRU A POLICE DISPATCHER AND THAT THE PLAINTIFF FITS THE DESCRIPTION OF A MAN WANTED AT 6822 S. JUSTINE FOR AGGRAVATED BATTERY.

SEE EXHIBIT A-1 AFFIDAVIT D. JAMES

6. PLAINTIFF ASSERT AND CONTENTS THAT DEFENDANTS BURWELL / PARKS CO-DEFENDANTS HAD A MUTUAL AGREEMENT TO CONSPIRE BY USING UNLAWFUL METHODS, TO UTILIZE THEIR FALSE AND FABRICATED CHARGE OF AGGRAVATED BATTERY AGAINST THE PLAINTIFF AS A DISGUISE MERE CAMOUFLAGE TO JUSTIFY THEIR UNLAWFUL ARREST OF PLAINTIFF AND AIMED THESE ILLEGAL TACTICS AT PLAINTIFF TO ILLEGALLY OBTAIN EVIDENCE AGAINST THE PLAINTIFF IN A CRIMINAL TRAIL;

7. LATER THAT SAME DAY DECEMBER 07, 1996 AFTER 6 OR 7 hours, DURING PLAINTIFF ILLEGAL DETENTION AT THE 7TH DISTRICT POLICE STATION IN CHICAGO IL. DEFENDANTS BURWELL AND PARKS FUTHERRERD THEIR CONSPIRATORIAL EFFORTS AND ACTIONS WITH DEFENDANTS WINSTEAD, AND G. HABIAC, WHOM ARE AGENTS AND EMPLOYEE'S OF THE CHICAGO POLICE DEPARTMENT BY UNLAWFULLY SUBJECTING THE PLAINTIFF TO AN ILLEGAL PHOTOGRAPHING LINE UP;

8. DEFENDANTS BURWELL, PARKS FABRICATED THE ALLEGED 911 CALL OF A MAN WANTED FOR AGGRAVATED BATTERY AT 6822 S. JUSTINE;

9. DEFENDANTS WINSTEAD AND HABIAC CONSPIRED WITH THE STATES ATTORNEY TO GO FORWARD WITH THIS ELLEGED ARM ROBBERY CHARGE; WHICH PLAINTIFF MAINTAINS HE WAS NEVER ARRESTED ON THE CHARGE OF ARM ROBBERY;

10. THE ONLY ARREST WAS MADE AT PLAINTIFFS HOME FOR AGGRAVATED BATTERY; DEFENDANTS WINSTEAD, HABIAC, BURWELL, PARKS WITH THE STATES ATTORNEY OFFICER PUT THE ARM ROBBERY CHARGE, UNDER THE ONLY ARREST THEY HAD, WHICH IS AGGRAVATED BATTERY THAT TOOK PLACE AT PLAINTIFF HOME; DEFENDANTS BURWELL, PARKS NEVER WROTE OUT A POLICE REPORT FOR THE ARREST AT PLAINTIFF HOME FOR AGGRAVATED BATTERY; INSTEAD THE DEFENDANTS CONSPIRED WITH DEFENDANTS WINSTEAD AND HABIAC TO PUT THE ELLEGED ARM ROBBERY UNDER PARK, BURWELL ARREST AT PLAINTIFFS HOME;

11. ON DECEMBER 09,1996 THE STATES ATTORNEY BROUGHT THE ARM ROBBERY CASE BEFORE THE HONORABLE JUDGE WALTER WILLIAMS; WHICH FOUND....PROBABALE CAUSE..... AND TRANSFERRED THE CASE TO 26 CALIFORNIA CIRCUT COURT OF COOK COUNTY; FOR ARRAIGNMENT;

12. NOW, ON DECEMBER 16, 1997 THERE WAS A MOTION TO QUASH ARREST AND SUPPRESS EVIDENCE HEARD BY JUDGE JAME P. FLANNERY DEFENDANT CLARISSA PALERMO CONSPIRED WITH CO-CONSPIRATOR BURWELL, BY HAVING A MUTUAL AGREEMENT FOR BURWELL TO TESTIFY FALSELY ABOUT THE CIRCUMSTANCES SURROUNDING PLAINTIFFS ARREST AND TO CONCEAL AND COVER-UP THE DEFENDANTS "BURWELL AND PARKS" UNLAWFUL ARREST AND SEARCH AND UN-REASONABLE SEIZURE TO JUSTIFY THEIR UNLAWFUL ARREST OF PLAINTIFF WITHOUT A VALID ARREST WARRANT, OR SEARCH WARRANT, NOR PROBABLE CAUSE;

13. DEFENDANT BURWELL TESTIFIED FALSELY, BY STATING: ON DECEMBER 07, 1996 APPROXIMATELY 12:30 P.M. HE AND HIS PARTNER PARKS RESPONDED TO A POLICE DISPATCHER'S CALL OF A MAN WANTED (FITTING PLAINTIFF'S DESCRIPTION) FOR AGGRAVATED BATTERY UPON AN UNKNOWN PERSON; NOT ARM ROBBERY AT THE ADDRESS OF 6822 S. JUSTINE, CHICAGO ILLINOIS.

14. AFTER THE DEFENDANT TESTIFIED TO THESE IMPOSSIBLE EVENTS: ONE OTHER WITNESS TESTIFIED, AND OTHER ILLEGAL EVIDENCE WAS PRESENTED AT THE HEARING BY DEFENDANT (PALERMO)

THE HONORABLE JUDGE FLANNERY MADE A FAVORABLE RULING IN PLAINTIFFS FAVOR: IN GRANTING PLAINTIFFS MOTION TO QUASH ARREST AND SUPPRESSED EVIDENCE OF SHOT GUN SHELLS THAT WAS ILLEGALLY SEIZED IN THE UNLAWFUL SEARCH OF PLAINTIFF'S HOME:

THE HONORABLE JUDGE FLANNERY FOUND DEFENDANTS BURWELL AND PALERMO, TESTIMONY AND PALERMO'S ARGUMENT'S TO JUSTIFY THE UNLAWFUL ARREST OF PLAINTIFF, TO BE NOT CREDIBLE AND FURTHER STATED THAT THE OFFICERS BURWELL, PARKS AND CO-DEFENDANTS DID NOT HAVE THE RIGHT, UNDER ANY EXCEPTION AS TO ENTERING THE PLAINTIFFS HOME. THE OFFICERS KNEW WHERE HE (PLAINTIFF) WAS: THEY HAD INFORMATION SUFFICIENT TO ACQUIRE AN ARREST WARRANT. THEY DIDN'T DO THAT, THEREFORE THE MOTION TO QUASH ARREST IS GRANTED.

SEE EXHIBIT A-3 A-2 A-4

15. IN ADDITION, ONCE JUDGE FLANNERY MADE HIS RULING AS DESCRIBED IN PARAGRAPH 14 DEFENDANT STEVEN POWELL PLAINTIFF'S PUBLIC DEFENDER: INTENTIONALLY CONSPIRED WITH CO-CONSPIRATORS PALERMO, BURWELL, AND PARKS, BY USING TACTICAL DIVERSION TO ALTER THE COURSE OF JUDGE FLANNERY'S RULING GRANTING PLAINTIFF'S MOTION TO QUASH ARREST, BY STATING I'M POWELL SEEKING TO HAVE SUPPRESSED PLAINTIFFS STATEMENT HE POWELL RECEIVED FROM PLAINTIFF AND THE LINE UP PROCEDURES THAT WAS WITH THE ELLEGED WITNESS CARLOS MARTINEZ "IMMEDIATELY" JUDGE FLANNERY ASKED POWELL, AND THAT STATEMENT WAS MADE AT THE POLICE STATION ? AND POWELL RESPONDED AT THE POLICE STATION, AS WERE THE LINE UP. SEE EXHIBIT A-3 line 10-18

16. PLAINTIFF ~~ASSERTS~~ ^{ASSETS}, AND CONTENDS THAT BECAUSE OF DEFENDANT POWELL MIS-STATEMENT (AS DESCRIBED IN PARAGRAPH 15) PREJUDICED PLAINTIFF, BECAUSE IT CAUSED JUDGE FLANNERY TO CONSIDER WHETHER PLAINTIFF HAD MADE AN ADMISSION OF SOME SRT, WHEN THERE WAS NO SUCH STATEMENT OR ANY RECORD OF A STATEMENT FROM THE PLAINTIFF, SURELY DEFENDANT (PALERMO) ASSISTANCE STATE ATTORNEY WOULD USED IT: AND PALERMO MADE NO MENTION OF THIS PHANTOM STATEMENT ALLEGEDLLY MADE BY PLAINTIFF THIS CAME FROM THE PLAINTIFFS OWN PUBLIC DEFENDER (MR. POWELL) WHICH HE CAN'T OFFER EVIDENCE AGAISNT PLAINTIFF IN ANY EVENT!!!!!!!

17. ONCE JUDGE FLANNERY MADE THIS RULING ON THE MOTION TO QUASH ARREST THE CASE WAS CONTINUED TO JANUARARY 20, 1998 WHEN PLAINTIFF CAME TO COURT ON THAT DATE, HE WAS TOLD BY JUDGE FLANNERY'S CLERK, HIS CASE WAS BEFORE A JUDGE FOX. PLAINTIFF HAD NOKNOWLEDGE OF THIS TRANSFER, HOW, WHO, OR WHEN THIS HAPPEN. THE LAST WORD TOLD TO PLAINTIFF BY JUDGE FLANNERY WAS CONTINUE UNTIL JANURARY 20, 1998 THE CONSPIRACY CONTINUES: STATE ATTORNEY PALERMO AND PUBLIC DEFENDER POWELL HAD THE CASE MOVED WITHOUT THE KNOWLEDGE OR CONCENT OF THE PLAINTIFF. SEE EXHIBIT A-4

18. PLAINTIFF COUNSEL MR. POWELL MISLEAD PLAINTIFF TO BELIEVE HE WOULD DEFEND THE PROCEEDINGS AS TO REQUIRE THAT EVERY ELEMENT OF THE CASE BE ESTABLISHED AND THAT COUNSEL WOULD SUBJECT STATE'S CASE TO ADVERSARARY TEST. DEFENDANT STEVEN POWELL MISREPRESENTED PLAINTIFF REQUEST TO MOTION FOR DISMISSAL AND SUBJECT THE ILLEGAL EVIDENCE TO COLLATERAL ATTACK;

COUNT 3

OBSTRUCTION OF JUSTICE

19. JUDGE FLANNERY QUASH ARREST AND IN THE SAME PROCEEDING STATED THE MOTION TO SUPPRESS THE LINE UP AND STATEMENT WILL BE DENIED!! WHICH PLAINTIFF MAINTAINS THERE NEVER WAS A STATEMENT MADE BY HIM: JUDGE FLANNERY DID NOT HAVE A STATEMENT PRESENTED TO HIM TO DENY: THERE WAS NO STATEMENT MADE WITH ANY ADMISSION OF GUILT BY PLAINTIFF JUDGE FLANNERY DENIED A PHANTOM STATEMENT IN OPEN COURT WHICH WASN'T PRESENTED BY THE STATES ATTORNEY OFFICE, (MR, POWELL) WAS THE ONE TO BRING THIS ELLEGE STATEMENT TO THE COURTS ATTENTION:

20. DEFENDANT STEVEN POWELL FAILED TO PRESENT ANY CASE LAW OR CANNONS OF LAW TO DEFEND EVERY ELEMENT OF SAID PROCEEDING, POWELL MISTATEMENT PREJUDICED PLAINTIFF AT A CRITICAL STAGE, CAUSED THE COURT TO CONSIDER WHETHER PLAINTIFF HAD MADE AN ADMISSION OF SOME SORT, ~~IF~~ THERE BEEN SUCH A STATMENT IT WAS PROTESTED BY ATTORNEY CLIENT PRIVLEDGE.

21. WHEN POWELL ON JANUARY 20, 1998 AND JANURARY 21, 1998 CONSPIRED TO MOVE CASE NO. 96-cr-32742 FROM JUDGE FLANNERY'S JURISDICTION WHOM GRANTED A FAVORABLE RULING; TO A JUDGE SUITABLE FOR THE STATE, HE MADE A CHOICE ADVANCING HIS OWN INTEREST TO THE DETRIMENT OF HIS CLIENT:

22. AT THE MOTION HEARING 1-5-98 AND 1-21-98 DEFENDANT POWELL CONDUCT SHOWS HIS PROPENSITY TO PROCEED IN A MANNER HE KNEW OR REASONABLY SHOULD HAVE KNOWN WERE DIRECTLY ADVERSE TO THE POSITION OF HIS CLIENT, POWELL PROPENSITY TO DENY PLAINTIFF THE BASIC LEGAL KNOWLEDGE SKILL THOROUGHNESS AND PREPARATION NECESSARY FOR THE REPRESENTATION TO DEFEND EVERY ELEMENT OF EVERY PROCEEDING AT EVERY CRITICAL STAGE AS TO REQUIRE EVERY ELEMENT OF THE CASE BE ESTABLISHED AND TO SUBJECT THE STATE CASE AT EVERY PROCEEDING TO ADVERSARIAL TEST RISE TO THE LEVEL DENIED EFFECTIVE ASSISTANCE OF COUNSEL, AND STAGE FOR CONFLICT OF INTEREST.

23. DEFENDANT POWELL DEFICIENT PERFORMANCE 1-20-98, 1-21-98 and 1-22-98 WAS ABSENT PROBABLE CAUSE FOR SUCH AN IRREGULAR PROCESS. THIS IRREGULAR PROCEEDING WAS AND PRIMARILY PROCEEDING BEFORE JUDGE FLANNERY AT SAID CRITICAL STAGE BY DIVERSIONARY TACTICS CAMOUFLAGED BY THE S.O.J. WHICH ALTERED THE NATURAL COURSE OF PROCEEDING: THIS VIOLATING PROCEDURAL AND SUBSTANTIVE DUE PROCESS:

SEE EXHIBIT D-2 D-3

24. THE CASE WAS MYSTERIOUSLY PRESENTED BEFORE JUDGE FOX 1-20-98, THE RECORD SHOWS THE CASE WAS CONTINUED TO 2-11-98 HOWEVER THE EXHIBITS SHOWS THAT DEFENDANT (STEVEN POWELL) COULDN'T WAIT TIL 2-11-98 HE (POWELL) CONSPIRED WITH THE STATE TO RETURN THE VERY NEXT DAY 1-21-98; THE MISCONDUCT OF DEFENDANT POWELL IS FUTHER EVIDENCE BY EXHIBIT D-3

25. THE RECORD OF THIS IRREGULAR PROCESS SHOWS NO CAUSE, NO LEGAL REASON FOR THE TRANSFER: THIS HIJACKING OF CASE NO. 96CR32742 IS NOT SUPPORTED BY AFFIDAVIT OR MOTION FROM JUDGE FLANNERY BEING REPLACED, OR RECUSE, ETC..... STEVEN POWELL FAILED TO INFORM OR EVEN EXPLAIN SAID ADVERSE ACT TO PLAINTIFF AT CRITICAL STAGE OF THE PROCESS: SEE EXHIBIT D-7

26. AS A RESULT OF POWELL MISCONDUCT AND FALSE REPRESENTATION POWELL DENIED PLAINTIFF HIS RIGHT TO EFFECTIVE ASSISTANCE OF COUNSEL. POWELL VIOLATED PLAINTIFF CONSTITUTIONAL RIGHT TO PROCEDURAL AND SUBSTANTIVE DUE PROCESS AS WELL AS HIS (6) AMENDMENT GUARANTEE TO REPRESENTATION FREE OF CONFLICT OF INTEREST WITH COUNSEL.

27. DEFENDANT RICK BEUKE ENTERED THE RECORD 3-26-98 BEFORE THE HONORABLE JUDGE SACKS; EXHIBIT D-11 SHOWS THE COURT ADVISING BEUKE THAT FROM GLANCING AT THE FILE, THERE WAS A MOTION TO SUPPRESS HEARD, AND GRANTED IN PART THERE ARE NO PENDING MOTION REGARDING 96-32742

28. THE RECORD SHOWS FROM MARCH TO SEPTEMBER DEFENDANT BEUKE FAILED TO PROVIDE THE REQUIRED LEGAL KNOWLEDGE, SKILL, THOROUGHNESS AND PREPARATION NECESSARY FOR THE REPRESENTATION, JUDGE SACKS ADVISED DEFENDANT BEUKE IN MARCH THAT THE CASE HAD WISKERS ON THEM AND THE CASE WAS CONTINUED TIL APRIL 24, 1998 AND WILL BE SET FOR TRAIL SOMETIME IN EARLY MAY OR JUNE:

29. DEFENDANT RICK BEUKE HAD AN OBLIGATION TO PLAINTIFF AND HIS FAMILY TO INVESTIGATE PROBE AND REVIEW THE RECORD FOR ALL LEGALLY RELEVANT EVIDENCE BEUKE FAILED TO INQUIRE AS TO WHY THE CASE IN CHEIF MYSTERIOUSLY BY IRREGULAR PROCESS WAS REMOVED FROM JUDGE FLANNERY WHOM GRANTED A FAVORABLE RULING IN PLAINTIFF BEHALF TO ANOTHER JUDGE AT A CRITICAL STAGE.

30. PLAINTIFF AND PLAINTIFF FAMILY TOLD DEFENDANT BEUKE THAT FLANNERY HAD QUASH ARREST ON SAID CASE, AND THAT THE STATE NEVER APPEAL OR REINDICTED NOR RE-ARREST CLARK ARMOND UNDER CASE 96-32742 DEFENDANT BEUKE ASSURED PLAINTIFF AND FAMILY WHOM RETAINED BEUKE: HE WOULD USE THE PRETRAIL MOTION TO ATTACK EVIDENCE WHICH WAS OBTAINED AFTER THAT ARREST WAS QUASHED STATING THAT CASE SHOULD HAVE BEEN DISMISSED AFTER JUDGE FLANNERY RULING ON MOTION TO QUASH ARREST

31. THE RECORD SHOWS FROM MARCH OF 1998 TO THE TRAIL BEUKE MISLEAD PLAINTIFF TO BELIEVE HE WOULD DEFEND EVERY PROCEEDING AS TO REQUIRE THAT EVERY ELEMENT OF THE CASE BE ESTABLISHED AND THAT DEFENDANT WOULD SUBJECT EVERY ELMENT OF THE STAT'S CASE TO ADVERSARY TEST, THE RECORD WILL SHOW DEFENDANT BEUKE FAILED TO PRESENT ANY EVIDENCE, CASE LAW CANNONS OF LAW TO DEFEND EVERY ELEMENT OF THE PROCEEDINGS TO ADVERSARIAL TEST.

32. DEFENDANT BEUKE'S PERFORANCE WAS BELOW AN OBJECTIVE STANDARD OF REASONABLENESS AND THERE IS A REASONABLE PROBABILITY THAT BUT FOR HIS PERFORMANCE THE RESULT OF THE TRAIL WOULD HAVE BEEN DIFFERENT, DEFENDANT LIED TO PLAINTIFF WITNESSES, STATING THERE WAS NO NEED FOR THEM TO BE CALLED AT TRIAL, WHICH PLAINTIFF HAD TWO WITNESSES READY AND WILLING TO TESTIFY IN PLAINTIFF BEHALF:

SEE EXHIBIT A-5 AND B-3

33. DEFENDANT BEUKE WITH HELD WITNESSES AND EVIDENCE INA CRIMINAL TRIAL DEFENDANT BEUKE HAD A DUTY TO FILE A APPELLANTS BREIF ON BEHALF OF PLAINTIFF IN THE ILLINOIS COURT OF APPEALS 1ST DISTRICT ON OR AROUND DECEMBER 31, 1999 WHICH HE NEVER DID FILE THE BRIEF:

34. DEFENDANT BEUKE MISCONDUCT INVOLVING DISHONESTY, FRAUD, DECIET, MISREPRESENTATION, NEGLECTING CRIMINAL CASE VIOLATED HIS DUTY WHILE UNDER THE COLOR OF LAW PRETENDING TO ACT IN THE PERFORMANCE OF HIS OFFICAL DUTIES TO DO WORK ON PLAINTIFF APPEAL AND DECIETFULLY RAN OFF WITH PLAINTIFF'S MONEY PLAINTIFF SIGN OVER (TWO BONDS SLPS) TO DEFENDANTS 12-31-98 SEE EXHIBIT D-8

35. AS A DIRECT AND PROXIMATE RESULT OF ONE OR MORE OF THESE ACTS OR OMISSIONS. WHEREFORE THE PLAINTIFF CLARK ARMOND PRAYS JUDGEMENT AGAINST THE CHACIAGO POLICE DEPARTMENT, STATE'S ATTORNEY OFFICE OF COOK COUNTY, THE PUBLIC DEFENDERS OF COOK COUNTY AND ALL AGENTS OR EMPLOYEES LISTED IN THIS CAUSE (COMPLAINT) RICHARD BEUKE PRIVATE ATTORNEY OF LAW; JOINTLY AND SEVERALLY, IN THE SUM OF 7.1 MILLION DOLLARS AS COMPENSATORY DAMAGES AND THE SUM OF 7.1 MILLION DOLLARS PUNITIVE DAMAGES PLUS COST OF THIS SUIT;

PLAINTIFF DEMANDS TRIAL
ON ALL COUNTS BY JURY

CERTIFICATION

BY SIGNING THIS COMPLAINT, I CERTIFY THAT THE FACTS STATED IN THIS COMPLAINT ARE TRUE TO THE BEST OF MY KNOWLEDGE, INFORMATION AND BELIEF, I UNDERSTAND THAT IF THIS CERTIFICATION IS NOT CORRECT, I MAY BE SUBJECTED TO SANCTIONS BY THE COURT:

SIGNED

25th

DAY OF

September, 2003

Don A. Burkhardt
"OFFICIAL SEAL"
DON A. BURKHART
Notary Public, State of Illinois
My Commission Exp. 06/22/2004
Notary Public

Clark Armond
CLARK ARMOND
I.D. # A91262
P.O. BOX 1900
CANTON, IL 61520

SDA28

AFFIDAVIT

EXHIBIT A-1#

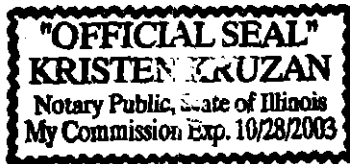
I Juan James swear by this affidavit that this statement is true.

On DECEMBER 7, 1996 i was standing on my " porch" when officer PARKS and another police drove up in front of my house. they asked me was CLARK in the house, it was about 4 TO 6 cars in the front and the back of of the house. they asked me was CLARK in the house, i stated that i had just walked up, and that i didn't know. he cuffed me to the rail of the porch, and i saw the other police go to the back of the house. I heard aloud crash of the back door, they later came out of the front door with CLARK in hand cuffs. Officer PARKS told me i had lied to him, and he hit me on the back of the neck, the rest of the police was trashing the bedrooms. My mothers personal papers were every where, they came out with some shotgun shells and left.

State of IL County of Morgan
 Signed before me on this 25th day
 of June, 192001 by Dorian James
 Notary Public Kristen Krizan

NOTARY

DATE 6/25/01
 SIGNATURE Juan James



82795
06/09/04
06/09/04

EXHIBIT-A-2

1 incredible about it. He supposedly is right behind
2 this individual as he's running down the stairs
3 running through a hallway and then we hear that this
4 person has enough time to kick down a door and get
5 underneath a bed before Officer Burrell is able to
6 catch him. I think that that's improbable. That
7 displays the incredible theory of Officer Burrwell's
8 nature of arrest.

9 THE COURT: The Court has had the opportunity to
10 observe the demeanor of the various witnesses as they
11 testified.

12 The Court would initially state that the
13 information that the police officers had on the day of
14 the arrest was sufficient for probable cause. They
15 had the defendant's name, the approximate address, his
16 photo as well as the information gathered from the
17 victim in the case. The officers did have probable
18 cause to arrest the defendant. However, probable
19 cause alone is not sufficient to enter someone's home.

20 In this case the officers saw the defendant,
21 the defendant ran into his home. The officer did not
22 have the right to follow him into his home. This case
23 does not come under any exception as to entering the
24 defendant's home. The officer knew where he was.

879DS
SD 28
06 742
06 742

EXHIBIT- A-3

1 They had information sufficient to acquire an arrest
2 warrant. They did not do that. Therefore, the motion
3 to quash arrest is granted. The evidence that was
4 recovered in the home which I believe was 4 boxes of
5 shells --

6 MR. POWER: That is not being used in this case.

7 THE COURT: Okay. Well, in any event, the shells
8 will be suppressed.

9 What other evidence were you seeking to have
10 suppressed?

11 MR. POWER: I'm seeking to have suppressed the
12 lineup procedure that was used with the witness Carlos
13 Martinez as well as a statement that I received from
14 Mr. Clark.

15 THE COURT: And that statement was made at the
16 police station?

17 MR. POWER: At the police station as were the
18 lineup.

19 THE COURT: The motion to suppress the lineup and
20 the statement is going to be denied. The officers did
21 have probable cause to arrest the defendant.

22 So at this time motion to quash arrest is
23 granted. This is on case 96 CR 32742. The shotgun
24 shells are suppressed. No other evidence is

877CS
50428

EXHIBIT-A-4

1 suppressed. The motion to quash arrest is granted.

2 What else remains to be done on this?

3 MR. POWER: Judge, I'm asking for one final short
4 status date before we set it for trial. I need to
5 talk to Mr. Clark and his family about what type of
6 trial we're going to have.

7 THE COURT: January 20.

8 MR. POWER: That's fine, judge.

9 THE COURT: The other cases as well January 20.

10 MR. POWER: Yes, by agreement status.

11 THE COURT: By agreement January 20 on each of the
12 three cases.

13 (WHEREUPON, a continuance was
14 taken to January 20, 1998.)
15
16
17
18
19
20
21
22
23
24

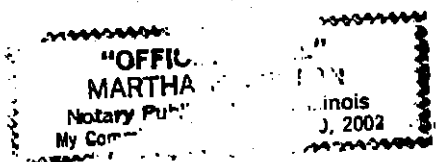
EXHIBIT A-5

Affidavit

I RAY ALTON HENDERSON do
swear by this affidavit to be true and correct to the best of my knowledge.

On November 23, 1996, I was at the corner of 69th and Justine and Renee Anderson/Carlos Martinez drove up. She had a few words with one of the guys that sale drugs on the corner. She gave him money and he gave her "cocaine." She got back into the car and they drove "off." About a half hour later, they came back to the corner, asking about the man she got the coke from. She kept on saying the coke ain't no good and she wants her money back. Renee and Carlos be trying to get more coke by saying it wasn't any good or the bag was small etc. It's always something with those two. I know them very well. I told this to Mr. Beuke and he asked me would I tell this in court. So he had me to come to the courthouse three or four times, which I did do. The last time I came it was at trial and he told me that I would have to wait outside in the hallway while Carlos/Renee testified. Mr. Beuke said that he would call me to testify after they got off the stand, so I waited "but" he never put me on the stand, and after we talked to each other a few minutes in the hallway, he told me he felt the case was won because they got caught up in a lot of lies. So that was it, I left the court building.

Notary [Signature]



Date: Jan 26, 2002

Signature: [Signature]

EXHIBIT B-1

1 believe that there are --

2 THE COURT: What is the motion, to suppress
3 I.D.?

4 MR. POWER: ~~One of the~~
5 ~~things they obtained~~
6 ~~identification~~ There may be a
7 motion to suppress the I.D. based on the photos.

8 THE COURT: ~~The motion is to suppress~~
9 ~~the identification~~

10 MR. POWER: Correct.

11 THE COURT: ~~Is there any other evidence?~~

12 MR. POWER: ~~Yes.~~

13 THE COURT: You will find out about the other
14 photos?

15 MS. PALERMO: I'll reorder them.

16 THE COURT: There are photos?

17 MS. PALERMO: I believe there should be, yes.

18 MR. MCGUIRE: There normally is in a case like
19 this.

20 MS. PALERMO: We'll ask leave to file a special
21 condition of bond and ask that the Defendant be
22 admonished.

23 THE COURT: You're to have no contact with
24 either victim.

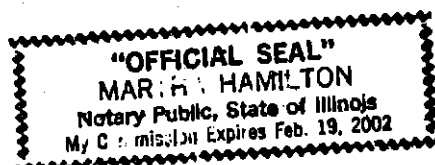
EXHIBIT - B-3

AFFIDAVIT

I, Tommie Edwards, being first duly sworn upon oath depose and state the following matters are true and correct made upon personal knowledge and belief, and if called as a witness, I am competent to testify thereto:

On Nov. 23, 1996

I was at the corner of 69th So. Justine between the hours of 5:00 p.m. to 6:30 p.m. Carlos/Renee drove up Renee ask me who was working "meaning" Crack Cocaine. I told her Charles had some crack then (she) Renee asked was it any good ?? I told her I didn't know, so anyway (she) Renee bought some crack bags, and got back on the car and they pulled off. About 20 or 30 minutes later the same car Renee left in pulled back up and Renee called me to the car telling the crack she bought wasn't anygood and they wanted to find the guy who sold them the bad crack. As I look around he was gone so I told Renee and them that he was gone. Renee then stated "If I don't get some good crack now or her money back !! The drug dealers won't be able to sale any more crack up here on this corner anymore", Cause "Me and my friend is going to call the police." Now a few minutes later I saw another police car pull up, Then I saw another police car down the street in the lot where most of the drug users be getting high, and that's when I found out Carlos/Renee had told the police. Charles took there car and money at gun point (rob them). Which was an Lie.. I would have testified in court that Clark Armond was nowhere around at the that time. That Clark Armond didn't 'Rob Carlos or Renee'. Also that Carlos/Renn always comes around the area trying to hustle, to get free crack out of the dealers, saying the stuff (crack) they buy wasn't no good and requesting there money back. I will testify that Renee/Carlos aren't being truthful in this matter. I don't know how Clark's name come up in this situation.



Respectfully Submitted

Tommie Edwards

Subscribed and sworn to before me on
the 30 day of Nov. 2000 2001

[Signature]
Notary

EXHIBIT
B-3#

Exhibit D2

1 STATE OF ILLINOIS)
2 COUNTY OF C O O K) SS:
3 IN THE CIRCUIT COURT OF COOK COUNTY,
4 COUNTY DEPARTMENT-MUNICIPAL DIVISION
5 THE PEOPLE OF THE)
6 STATE OF ILLINOIS)
7 -vs-) 26th and California
8 CLARK ARMAND) No. 96- 32742

REPORT OF PROCEEDINGS

9 BE IT REMEMBERED that the above-entitled
10 cause came on for hearing on the 21st day of January, A.D.,
11 1998, before the HONORABLE LAWRENCE P. FOX, Judge of said
12 Court.

APPEARANCES:

13
14 HON. RICHARD A. DEVINE,
15 State's Attorney of Cook County, by
16 MS. CLARISSA PALERMO,
17 Assistant State's Attorney,
18 on behalf of the People;
19 MS. RITA FRY,
20 Public Defender of Cook County, by
21 MR. STEPHEN W. POWER,
22 Assistant Public Defender,
23 on behalf of the Defendant.

21 Richard Thewis, CSR
22 License No. 084-002146
23 Official Court Reporter,
24 Bridgeview Courthouse.

Exhibit D3

1 THE CLERK: Armand Clark.

2 MR. POWER: Judge, this is Armand Clark.

3 THE COURT: You have the files here, right?

4 THE CLERK: Yes.

5 THE COURT: So we can get these files to the Chief
6 Judge tomorrow.

7 THE CLERK: Yes.

8 MS. PALERMO: Is this an add-on, Steve?

9 MR. POWER: Yes.

10 THE COURT: So do we vacate the order of yesterday
11 or not?

12 MR. POWER: Yes.

13 THE COURT: Well, I guess we'll just advance it.

14 How does that sound?

15 MR. POWER: That's fine.

16 THE COURT: From 2-11. Motion to advance from
17 2-11-98 sustained. Leave to file petition for SOJ
18 granted. Transferred to Chief Judge 1-22 for
19 reassignment.

20 You have to go to the Chief Judge tomorrow for
21 reassignment, Mr. Clark. That's Room 101 of this
22 building at 9 o'clock.

23 MR. POWER: Thank you, Judge.

24 (Which were all the proceedings had

EXHIBITS 13-7

IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS

Page 00

PEOPLE OF THE STATE OF ILLINOIS

VS

NUMBER 96CR3274201

CLARK

ARMOND

CERTIFIED STATEMENT OF CONVICTION / DISPOSITION

I, AURELIA PUCINSKI, Clerk of the Circuit Court of Cook County, Illinois, and keeper of the records and seal thereof do hereby certify that the electronic records of the Circuit Court of Cook County show that:

The States Attorney of Cook County filed an INDICTMENT/INFORMATION with the Clerk of the Circuit Court.

10/16/97 CONTINUANCE BY AGREEMENT FLANNERY, JAMES P	10/30/97		
10/30/97 DEFENDANT ON BOND FLANNERY, JAMES P			
10/30/97 CONTINUANCE BY AGREEMENT FLANNERY, JAMES P	11/25/97		
11/25/97 DEFENDANT ON BOND FLANNERY, JAMES P			
11/25/97 CONTINUANCE BY AGREEMENT FLANNERY, JAMES P	12/16/97		
12/16/97 CONTINUANCE BY ORDER OF COURT FLANNERY, JAMES P	12/31/97		
12/31/97 DEFENDANT ON BOND FLANNERY, JAMES P			
12/31/97 WITNESSES ORDERED TO APPEAR FLANNERY, JAMES P			
12/31/97 CONTINUANCE BY ORDER OF COURT FLANNERY, JAMES P	01/05/98		
01/05/98 DEFENDANT ON BOND FLANNERY, JAMES P			
01/05/98 MOTION TO QUASH ARREST FLANNERY, JAMES P	S		2
01/05/98 MOTION TO SUPPRESS SHOT GUN SHELLS ONLY FLANNERY, JAMES P	S		2
01/05/98 CONTINUANCE BY AGREEMENT FLANNERY, JAMES P	01/20/98		
01/20/98 DEFENDANT ON BOND FOX, LAWRENCE P.			
01/20/98 CONTINUANCE BY AGREEMENT FOX, LAWRENCE P.	02/11/98		
01/21/98 DEFENDANT ON BOND FOX, LAWRENCE P.			
01/21/98 TRANSFERRED FOX, LAWRENCE P.	01/22/98	1701	
01/22/98 DEFENDANT ON BOND SACKS, STANLEY J.			

NO CAUSE

NO motion

EXHIBIT D-8

IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS

Page 0

PEOPLE OF THE STATE OF ILLINOIS

VS

NUMBER 96CR3274201

CLARK

ARMOND

CERTIFIED STATEMENT OF CONVICTION / DISPOSITION

I, DOROTHY BROWN, Clerk of the Circuit Court of Cook County, Illinois and keeper of the records and seal thereof do hereby certify that the electronic records of the Circuit Court of Cook County show that:

The States Attorney of Cook County filed an INDICTMENT/INFORMATION with the Clerk of the Circuit Court.

05/26/00 TRANS PROC REC/FILED CLKS OFF	00/00/00
05/31/00 SUPPL REPORT OF PRCD PREPARED	00/00/00
06/13/00 SUPPL REC RECD BY APPL COUNSEL	00/00/00
STATE APPELLATE DEFENDER	
06/23/00 REPT OF PRCDs ORD FR CRT RPT	00/00/00
08/03/00 SUPPL REPORT OF PRCD PREPARED	00/00/00
08/16/00 SUPPL REC RECD BY APPL COUNSEL	00/00/00
STATE APPELLATE DEFENDER	
08/30/00 SUPP TRAN PRO REC/FILE CLK OFF	00/00/00
09/06/00 SUPPL REPORT OF PRCD PREPARED	00/00/00
09/20/00 SUPPL REC RECD BY APPL COUNSEL	00/00/00
STATE APPELLATE DEFENDER	
07/09/01 MANDATE FILED	07/18/01 1701
07/09/01 MANDATE FILED	07/18/01 1701
MANDATE RECALL	
07/18/01 REVIEW COURT AFFIRMANCE	00/00/00
WOOD, WILLIAM S.	
07/18/01 MANDATE RECALLED	06/28/01
WOOD, WILLIAM S.	
11/07/01 MANDATE FILED	11/20/01 1701
11/20/01 REVIEW COURT AFFIRMANCE	00/00/00
WOOD, WILLIAM S.	
02/22/02 POST-CONVICTION FILED	CALL 00/00/00
02/22/02 HEARING DATE ASSIGNED	03/01/02 1701
03/01/02 CASE ASSIGNED	03/01/02 1723
WOOD, WILLIAM S.	
03/01/02 CONTINUANCE BY ORDER OF COURT	03/08/02
SACKS, STANLEY J.	
03/08/02 CONTINUANCE BY ORDER OF COURT	03/13/02
SACKS, STANLEY J.	
03/13/02 CONTINUANCE BY ORDER OF COURT	03/15/02
SACKS, STANLEY J.	
03/15/02 CONTINUANCE BY ORDER OF COURT	03/25/02
SACKS, STANLEY J.	
03/25/02 CONTINUANCE BY ORDER OF COURT	04/05/02
SACKS, STANLEY J.	
04/05/02 POST-CONV PETITION DISMISSED	00/00/00
DEFENDANT TO BE NOTIFIED - OFF CALL	
SACKS, STANLEY J.	

EXHIBIT D-9

1 "Answer: It was a 911 call.

2 "Question: That had been issued that day,
3 meaning December 7th of 1996?"

4 His answer was, "Yes."

5 "Question: Do you know the nature of that
6 call?

7 "To the best of my knowledge, it was a call
8 of a man wanted for aggravated battery.

9 "Question: For aggravated battery?

10 "Answer: That is correct.

11 "Question: Do you have any other information
12 other than aggravated battery?

13 "Answer: No.

14 "Question: Do you know where it happened?

15 "Answer: No, I did not.

16 "Question: Do you know when it happened?

17 "Answer: No, I did not.

18 "Question: Do you know who the victim was?

19 "Answer: No, I do not."

20 That's terribly vague, Judge. And if we were
21 here just on that information and just on that arrest
22 of December 7, I don't think there would be any
23 question that there was lacking probable cause to
24 chase, even assuming that's what happened, to chase

EXHIBIT D-10

SUPPLEMENTARY P PORT

CHICAGO POLICE

1. STATEMENTS IN THIS REPORT ARE APPROXIMATIONS OR SUMMARIZATIONS UNLESS OTHERWISE NOTED.

4. DATE OF ORIG. OCCURRENCE - TIME

23 NOV 96 1810

INCIDENT OFFENSE CLASSIFICATION LAST PREVIOUS REPORT

Robbery: Agg. Vehicular HiJacking

IUCR OFF. CODE

1554 W. 69th st.

12. ADDRESS OF ORIG. INCIDENT/OFFENSE

1 VERIFIED 2 CORRECTED

3. BEAT OF OCCUR

724

5. VICTIM'S/SUBJECT'S NAME AS SHOWN ON LAST PREVIOUS REPORT

Martinez, Carlos / Anderson, Renee

CORRECT

1 YES 2 NO

6. FIRE RELATED

1 YES 2 NO

7. BEAT ASSIGNED

743

8. VICTIM'S/SUBJECT'S ADDRESS

2025 N. Sherfield / 8251 S. Elizabeth

Street

9. TYPE OF LOCATION OR PREMISE WHERE INCIDENT/OFFENSE OCCURRED

LOCATION CODE

304

10. DESCRIBE PROPERTY IN NARRATIVE

T - TAKEN

R - RECOVERED

FILL IN THE FULL AMOUNT OF ONLY THOSE VALUES WHICH EITHER DIFFER FROM OR WERE NOT REPORTED ON THE ORIGINAL CASE REPORT OR THE LAST PREVIOUS SUPPLEMENTARY REPORT.

1. MONEY <input checked="" type="checkbox"/> T \$65.00 <input type="checkbox"/> R	2. JEWELRY <input checked="" type="checkbox"/> T \$ <input type="checkbox"/> R	3. FURS <input type="checkbox"/> T \$ <input type="checkbox"/> R	4. CLOTHING <input type="checkbox"/> T \$ <input type="checkbox"/> R	7. OFFICE EQUIPMENT <input type="checkbox"/> T \$ <input type="checkbox"/> R	8. TV, RADIO, STEREO <input type="checkbox"/> T \$ <input type="checkbox"/> R	PROPERTY INVENTORY NO(S)
9. HOUSEHOLD GOODS <input type="checkbox"/> T \$ <input type="checkbox"/> R	10. CONSUM. GOODS <input type="checkbox"/> T \$ <input type="checkbox"/> R	11. FIREARMS <input type="checkbox"/> T \$ <input type="checkbox"/> R	12. NAAC/DANGEROUS DRUGS <input type="checkbox"/> T \$ <input type="checkbox"/> R	13. OTHER <input type="checkbox"/> T \$ <input type="checkbox"/> R	14. NONE <input type="checkbox"/> T <input type="checkbox"/> R	

11. OFFENDER'S NAME (OR DESCRIBE CLOTHING, ETC.)	12. HOME ADDRESS	13. SEX-RACE-AGE CODE	HEIGHT	WEIGHT	EYES	HAIR	COMPL.
Armond, Clark K.	1505 W. Marquette	M/1/40	6-2	190	Brn	Blk	Drk

14. C.B. NO.	I.R. NO., Y.D. NO. OR I.D.A. NO.	OFFENDER REL. CODE	C.B. NO.	I.R. NO., Y.D. NO. OR I.D.A. NO.	OFFENDER REL. CODE	15. NO. ARRESTED UNIT NO.
OFF. 1		24	OFF. 2			1 763-

16. OFF'S VEHICLE	YEAR	MAKE	BODY STYLE	COLOR	V.I.N.	STATE LICENSE NO.	STATE
<input type="checkbox"/> USED <input type="checkbox"/> STOLEN	D				N		

90. NARRATIVE

This is an on view arrest for Robbery by the 007th District Tactical Unit 763-B.

Person Arrested: Armond, Clark K.

Charges Placed: 720ILCS/8-4

Inventory No. 1750215

Court Date & Branch:

Arresting Officers: Burwell #6814 Parks #8930 Lewis #13629 Oglesby #10260 Booker #4096 Epich #5790

History: R/O's responding to a call of a man wanted at above location immediately relocated to that location and observed a male black standing in front of house matching ~~that is~~ the description given, as R/O's were exiting the vehicle to conduct field interview the subject matching description given by C.O.S. fled scene with R/O's in direct pursuit subject ran west-bound to rear of house and was attempting to enter residence by banging on door when no one opened door for subject he then kicked door open and ran into residence, R/O's still pursuing offender entered residence and found offender hiding under bed in back bedroom. Offender was then advised of rights, and transported into 007th District for processing. A search of immediate area where offender was hiding revealed (4) boxes of winchester super-x Buck shot 12 GA shot gun shells. Offender was then positively identified as being the offender who on 23 NOV 96 reported under ID# A-850129 pointed a chrome colored revolver at victims and demanded they get out of car, offender then took car, \$65.00 USC, two watches, one radar detector and a cellular Nokia car phone.

CONTINUED OTHER SIDE

91. EXTRA COPIES REQUIRED (NO. & RECIPIENT)	92. DATE THIS REPORT SUBMITTED - DAY NO. YR	TIME	93. SUPERVISOR APPROVING (PRINT NAME) STAR NO.
	07 DEC 96		SGT. J. SANDIFER #1331
94. REPORTING OFFICER (PRINT NAME) STAR NO.	95. REPORTING OFFICER (PRINT NAME) STAR NO.	SIGNATURE	
P. BURWELL 6814	C. PARKS #8930		
SIGNATURE		96. DATE APPROVED (DAY-MO.-YR) TIME	
		07 DEC 96	

A-850129

EXHIBIT D-11

IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS

Page 005

PEOPLE OF THE STATE OF ILLINOIS

VS

NUMBER 96CR3274201

CLARK

ARMOND

CERTIFIED STATEMENT OF CONVICTION / DISPOSITION

I, DOROTHY BROWN, Clerk of the Circuit Court of Cook County, Illinois, and keeper of the records and seal thereof do hereby certify that the electronic records of the Circuit Court of Cook County show that:

The States Attorney of Cook County filed an INDICTMENT/INFORMATION with the Clerk of the Circuit Court.

01/22/98 MOTION DEFT - CONTINUANCE - MD	02/05/98
SACKS, STANLEY J.	
01/22/98 MOTION TO SUBSTITUTE JUDGE	S 2
CANNON, DIANE G.	
01/22/98 CASE ASSIGNED	01/22/98 1723
CANNON, DIANE G.	
02/05/98 DEFENDANT IN CUSTODY	
SACKS, STANLEY J.	
02/05/98 PRISONER DATA SHEET TO ISSUE	
SACKS, STANLEY J.	
02/05/98 CONTINUANCE BY ORDER OF COURT	02/06/98
SACKS, STANLEY J.	
02/06/98 DEFENDANT IN CUSTODY	
SACKS, STANLEY J.	
02/06/98 PRISONER DATA SHEET TO ISSUE	
SACKS, STANLEY J.	
02/06/98 MOTION DEFT - CONTINUANCE - MD	03/05/98
SACKS, STANLEY J.	
03/05/98 DEFENDANT ON BOND	
SACKS, STANLEY J.	
03/05/98 MOTION DEFT - CONTINUANCE - MD	03/12/98
FOR ATTORNEY	
SACKS, STANLEY J.	
03/12/98 DEFENDANT ON BOND	
SACKS, STANLEY J.	
03/12/98 MOTION DEFT - CONTINUANCE - MD	03/13/98
SACKS, STANLEY J.	
03/13/98 DEFENDANT ON BOND	
SACKS, STANLEY J.	
03/13/98 CONTINUANCE BY AGREEMENT	03/26/98
SACKS, STANLEY J.	
03/26/98 DEFENDANT ON BOND	
SACKS, STANLEY J.	
03/26/98 SPECIAL ORDER	
ELECTED CASE	
SACKS, STANLEY J.	
03/26/98 CONTINUANCE BY AGREEMENT	04/24/98
SACKS, STANLEY J.	

EXHIBIT D-12

1 Q. How did you learn who kicked your door in?

2 A. My son told me.

3 Q. Who did you learn kicked your door in?

4 A. The police.

5 Q. And that was on December 7?

6 A. Yes.

7 Q. So Clark did not kick the door in on the
8 27th?

9 A. No.

10 MR. POWER: No further questions.

11 RECROSS-EXAMINATION

12 BY MS. PALERMO:

13 Q. You didn't see how the door got damaged, did
14 you?

15 A. No.

16 MR. POWER: I have no further questions.

17 No more questions of this witness, Judge. At
18 this time I would seek to admit Defendant's --

19 THE COURT: Ma'am, you can step down. Thank you
20 very much.

21 THE WITNESS: Okay.

22 (Witness excused.)

23 MR. POWER: Defendant's Exhibit 1A and B.

24 THE COURT: Any objection?

EXHIBIT D-13

1 memory as to what address you put down?

2 THE WITNESS: Your Honor, I used 6822 South
3 Justine.

4 MR. POWER: Thank you.

5 Q. Now, at that time on November 27 or November
6 28 did you take any steps to obtain an arrest warrant
7 for Mr. Clark Armond at 6822 South Justine?

8 A. No, I did not

9 Q. Did you take any steps to get an arrest
10 warrant for Mr. Clark Armond at any location?

11 A. No.

12 MR. POWER: No further questions.

13 MS. PALERMO: I have no further questions.

14 THE COURT: Detective, thank you very much.

15 (Witness excused.)

16 THE COURT: State, anything else?

17 MS. PALERMO: No, your Honor, the State rests.

18 THE COURT: Mr. Power, anything else?

19 MR. POWER: Nothing in rebuttal, Judge.

20 THE COURT: Argument.

21 MR. POWER: Judge, I think it is clear but not so
22 clear that I won't argue it, that there was not
23 probable cause to arrest Mr. Clark on November --
24 December 7, 1996, at 6822 South Justine, and I'll

EXHIBIT D-14

1 summarize some of the points. But I think if your
2 remembers the testimony of the officer who testified
3 on the last court date, you remember that there was a
4 very generic and vague description given.
[REDACTED]

5 THE COURT: The date of the arrest is December 7,
6 is that what you said?

7 MR. POWER: Correct. And the date of the
8 incident, Judge, is November 23.

9 That the officer gave a very vague generic
10 description as to the person that he was seeking and a
11 even more vague description as to why he was seeking
12 this person. And it sounds now, Judge, like this was
13 almost a pretense to arrest Mr. Clark at his home
14 without a warrant because if you look closely at the
15 testimony of Officer Burrell, he tells you, this is on
16 page 6 of the transcript, I'll start in the middle of
17 the page:

18 "That call was received over COS?

19 "Answer: Yes, it was.
[REDACTED]

20 "Question: Do you know who was sending the
21 message to you? [REDACTED]

22 "Answer: The police dispatcher.
[REDACTED]

23 "Question: Do you know where they received
24 that information? [REDACTED]